

DSM
DESIGN GROUP, LLC
ENGINEERING / SURVEYING

May 13/13
Event
Ref 2006-TA-0297



April 30, 2013

William J. Pearson
Field Survey
U.S. Department of Interior
Fish & Wildlife Service
Daphne ES Field Office
1208-B Main Street
Daphne, AL 36526



U.S. Fish and Wildlife Service
1208-B - Daphne, Alabama 36526
Phone: 251-441-5181 Fax: 251-441-6222

Based upon our records and the information provided in your letter, we agree with your findings that no federally listed species/critical habitat occur in the project area. **If project design changes are made, please submit new plans for review.**

RE: 43410-2006-TA-0297
Birmingham Coal & Coke, Inc.
Gooden Creek #2 Mine, P-39--


William J. Pearson, Field Supervisor

5-13-2013
Date #6

Dear Mr. Pearson:

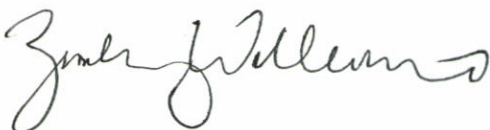
A study was conducted and concurred with by your office in the year 2000 for the above referenced project, but a new study was conducted in April 2013 to provide a more recent assessment of the site as it pertains to impacts on fish and wildlife resources. I would like to request concurrence for the proposed 375.0 mining acres located in Sections 13 & 24, Township 12 South, Range 11 West, in Marion County & Sections 19, 29 & 30, Township 12 South, Range 10 West, in Walker County, Alabama. We are in the process of applying for a surface coal-mining permit through the Alabama Surface Mining Commission for this area and will need the study to meet the requirements of the Law. Therefore, please find the enclosed Sensitive Species Information from the DCNR, project map and study for the above referenced proposed surface coal mining permit area.

We are also in the process of requesting permit authorization from the Army Corp of Engineers as necessary to meet the requirements of law and ensure that any wetland habitats or waters of the US are avoided if possible.

I would like to thank you for your co-operation concerning this matter and would appreciate the assessment at your earliest convenience. If you should have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

DSM Design Group, LLC.



Zach Wilbanks
Engineering Department